

REMARKS/ARGUMENTS

Claims 1 – 36 and 47 – 66 remain in this application, with Claims 1, 25, 27, 28 and 32 having been amended and Claims 37 – 26 and 66 having been canceled to expedite the prosecution of this application.

The subject invention relates to apparatus and a method for forming a series of bags, attaching tubes to the bags and filling the bags in a totally aseptic environment. To that end Claim 1 has been amended to call for the fact that the apparatus comprises a totally aseptic environment in which an aseptic form, fill and seal operation is carried out. In short the fabrication of the bag, its assembly to the tube and the filling of the bag with its contents is all accomplished in the aseptic environment of the subject apparatus. This clearly distinguishes the subject apparatus over the cited prior art. In particular, Claim 1 has been amended to call for the totally aseptic environment of the apparatus to include means for forming a series of bags from the web of film whereupon each of the bags comprises a second interface space between opposing portions of the wall of the bag and in communication with the hollow interior space of the bag. It is through this space that the bag is filled in the aseptic environment of the subject apparatus. As amended Claim 1 also calls for the opposing peripheral edge portions of the bag's wall portions defining a first interface space. It is in the first interior space that the sterilized tube segment is placed and sealed by the claimed apparatus, again in the aseptic environment.

As should be appreciated by even a cursory reading of the patent to Owensby et al. (the primary reference), Owensby et al. merely discloses apparatus for a putting pair of tubes 53 into a premade bag 50 and securing the tubes to the bag so that those tubes can later be used to fill the bag. Each bag with its contents is sterilized thereafter (Owensby et al. talks about sterilizing the filled bag in an autoclave). In contradistinction, as stated above the subject apparatus includes means which forms a series of bags, inserter means for inserting respective tubes in respective first interface spaces in the formed series of bags, means for fusing the respective tubes to the series of bags, and means for filling the bag through a second interface space. All of these functions are carried out within the totally aseptic environment of the apparatus.

The secondary reference (the patent to Cicha et al.) fails to make up for the deficiencies of Owensby et al. since Cicha et al. merely teaches that one can sterilize a fitment and can sterilize a container before sealing the fitment to the container. After that is accomplished the container is filled somewhere else. Cicha et al. doesn't disclose where and how this filling is accomplished. Certainly, Cicha et al. doesn't disclose or suggest doing all of the bag and tube formation, filling and sealing within a totally aseptic environment in an apparatus like that now being claimed in amended Claim 1.

As will also be appreciated, the manner that Claim 1 has been amended as described above now call for means for performing the functions recited to overcome the position of Examiner Desai as stated in the Final Rejection, namely, that he didn't give any patentable weight to the functional recitations since they were not expressed as a means for performing the specified function.

In view of the above it is respectfully submitted that Claim 1, as amended is patentable over the art of record and such favorable action is respectfully requested.

Claims 2 - 36 depend directly or indirectly upon Claim 1 and are hence patentable for reasons similar thereto. In addition, Claims 25, 27, 28 and 32 have been amended to make them consistent with amended Claim 1.

Non-elected Claims 37- 46 have been canceled without prejudice and will likely be made the subject of a divisional application. Claim 67 had been previously canceled.

Claims 47 - 66 have been allowed.

In view of the foregoing amendments and remarks it is respectfully submitted that the application is in condition for allowance and such favorable action is respectfully requested.

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Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

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Please charge or credit our Account
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By 

Barry A. Stein
Registration No. 25,257
Customer No. 03000
(215) 567-2010
Attorneys for Applicant